



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

January 29, 1996

Ms. Cathy Cunningham
Senior Assistant City Attorney
City of Irving
P.O. Box 152288
Irving, Texas 75060

OR96-0098

Dear Ms. Cunningham:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 38022.

The City of Irving (the "city") received an open records request for a copy of a fire report in which an identified juvenile is named as having possibly caused or contributed to the fire. Although you do not specifically argue that the fire report is excepted from required public disclosure under the Open Records Act, you inquire whether the report is made confidential under chapter 51 of the Family Code¹ and thus must be withheld from the public.

Chapter 51 of the Family Code pertains to delinquent children and children in need of supervision. Section 51.14(d) of the Family Code, dealing with juvenile records, provides in pertinent part:

(d) Except as provided by Article 15.27, Code of Criminal Procedure, and except for files and records relating to a charge for which a child is transferred under Section 54.02 of this code to a criminal court for prosecution, the *law-enforcement files and records*

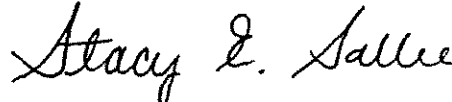
¹We note that in the recent legislative session, the 74th Legislature repealed section 51.14(d) of the Family Code, regarding law-enforcement records pertaining to delinquent conduct occurring on or after the effective date of the statute, January 1, 1996. Act of May 27, 1995, 74th Leg., R.S., ch. 262, §§ 100, 105, 106, 1995 Tex. Sess. Law Serv. 2517, 2590-91 (Vernon). We do not address in this ruling the effect of the legislature's action on requests for information concerning juvenile conduct occurring after January 1, 1996.

are not open to public inspection nor may their contents be disclosed to the public [with certain specified exceptions]. [Emphasis added.]

We note that section 51.14(d) pertains only to juvenile records held by law-enforcement agencies. This office has previously acknowledged that the records of arson investigation units of city fire departments constitute "law-enforcement" records. *See, e.g.,* Open Records Decision No. 127 (1976) at 8. However, in this instance you do not argue, and there is nothing in the records at issue to suggest, that the fire department's investigation of the fire was criminal in nature. The records at issue here therefore cannot be characterized as being "law-enforcement files and records" for purposes of section 51.14(d). We therefore conclude that section 51.14(d) is inapplicable to the requested records. Because you have raised no other exception to required public disclosure with regard to these records, they must be released.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Stacy E. Sallee
Assistant Attorney General
Open Records Division

SES/RWP/ch

Ref.: ID# 38022

Enclosures: Submitted documents

cc: Mr. R.L. Nation
2541 W. Rochelle
Irving, Texas 75062
(w/o enclosures)